

### **REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 2-3 and 5-18 are now pending in this application. Claims 2 and 9 are independent. Claims 1 and 4 have been canceled. Claims 2-3 have been amended. Claims 5-18 have been added.

Reconsideration of this application, as amended, is respectfully requested.

### **Amendments to the Specification**

Applicants have thoroughly reviewed the specification and made several amendments to correct grammatical informalities. Applicants have voluntarily filed a Substitute Specification. Applicants submit herewith a marked-up copy showing the additions and deletions made to the original specification. Applicants submit that the Substitute Specification includes no new matter and that the Substitute Specification includes the same changes indicated on the marked-up copy of the original Specification. In accordance with MPEP 608.01(q), Applicants respectfully request that the Substitute Specification be entered.

### **Amendments to the Abstract**

Applicants have amended the Abstract by correcting grammatical informalities.

**Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shintani. Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shintani. These rejections are respectfully traversed.

On page 4, lines 12-16, the Examiner states "Shintani further teaches ' ... ' (col. 5, lines 65 through col. 6, lines 1) suggesting that a signal bandwidth and/or volume must be taken into account when choosing a transmission path." Applicants must respectfully disagree.

In col. 5, line 51 through col. 6, line 10, Shintani is describing how one can simultaneously display the video data (e.g. a movie or TV show) and the on-screen-display (OSD). Shintani states that a switching device 370 can simply switch between the MPEG-2 decoder 360 and the analog input terminal 170. In this instance, the display would show one or the other.

As a better display format, Shintani suggests that the OSD can be superimposed over the video data. In other words, the OSD would be displayed in solid form over a movie on the display screen. Shintani states that this can be accomplished using an inexpensive CMOS switch when the signal bandwidth is not very large. Shintani does not suggest how to accomplish this superimposing of the OSD on the video data when the bandwidth is large. *Is this in the claims?*

One of ordinary skill in the art would understand this to mean that the OSD can be superimposed over the video data using a CMOS switch when the video data has a relative small bandwidth (e.g. standard definition video) and can be superimposed over the video data using some other means when the video data has a relatively large bandwidth (e.g. high definition video).

Lastly, Shintani describes an even better display format for the OSD. Here, the OSD is superimposed but also semi-transparent. In this circumstance, one could view the OSD and also see a movie through the OSD.

Shintani states that a complicated alpha bending circuit is required to generate a semi-transparent OSD.

Nowhere does Shintani show or suggest judging a bandwidth or volume of the OSD. Shintani is discussing the bandwidth of the video data signal. Shintani does show one embodiment where the OSD is transmitted over an analog transmission path and another embodiment where the OSD is transmitted over a digital transmission path. However, Shintani fails to show or suggest that the OSD would be transmitted over one or the other of the analog or digital transmission paths based upon a volume or bandwidth of the OSD.

For the reasons as stated above, reconsideration and withdrawal of this rejection are respectfully requested.

### **CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and as such, the present application is in condition for allowance.

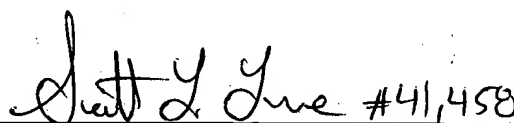
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Scott L. Lowe (Reg. No. 41,458) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit

Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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JTE/SLL:lmh

Enclosures: Abstract  
Substitute Specification  
Marked-Up Copy of Specification